

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 21 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

MELVIN RUSSELL "RUSTY" SHIELDS,

Defendant-Appellant.

Nos. 20-15227, 20-15639

D.C. Nos. 5:17-cv-03978-BLF

5:12-cr-00410-BLF-1

Northern District of California,
San Jose

ORDER

Before: MURGUIA and R. NELSON, Circuit Judges.

These appeals are from the denial of appellant's 28 U.S.C. § 2255 motion and subsequent Federal Rule of Civil Procedure 59(e) motion. The requests for a certificate of appealability are denied because appellant has not shown that "jurists of reason would find it debatable whether the [section 2255 motion] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *United States v. Winkles*, 795 F.3d 1134, 1143 (9th Cir. 2015).

Any pending motions are denied as moot.

DENIED.